

GLOSSARY OF TERMS USED IN THE FEDERAL COURTS

Acquittal	Legal judgment that a criminal defendant has not been proved guilty beyond a reasonable doubt of the charges against him.
Action	Case, cause, suit or controversy disputed or contested before a court of justice.
Affidavit	A written statement of facts confirmed by the oath of the party making it, before a notary or other officer having authority to administer oaths.
Affirmed	In the practice of the appellate courts, the decree or order is declared valid and will stand as rendered in the lower court.
Allegation	A claim or statement of what a party intends to prove; the facts as one party claims they are.
Allege	To claim or declare that something is so.
Amendment	The correction of an error in any process, pleading, or proceeding at law.
Answer	The formal written statement by a defendant responding to a complaint setting forth the grounds for his defense.
Appeal	A review by a higher court of the judgment or decision of a lower court.
Appellee	The party against whom the appeal is taken.
Arraignment	A proceeding in which the criminal defendant is called into court, the indictment is read to him, and he is called on to plead.
Arrest	Taking physical custody of a person by lawful authority, for the purpose of holding him to answer a criminal charge.
Bail	To obtain the release of a person from legal custody by giving surety for his appearance on the day and time appointed.
Bill of Particulars	A statement of the details of the charge made against the defendant.
Bond	A certificate or evidence of a debt; a written commitment to pay a certain amount of money if certain conditions are not met.
Bond for Costs	A bond given by a party to secure the eventual payment of the costs of the suit.
Brief	A written statement of the case, including a summary of the facts, a statement of the questions of law involved, and the

	arguments and legal authorities upon which the party relies. It serves as each party's principal submission to the appellate court for its decision.
Capias	A writ requiring the marshal to take a defendant into custody.
Challenge	An objection to the seating of a prospective juror on the jury panel for a trial.
Challenge for Cause	A challenge to a juror for which some cause or reason is alleged.
Peremptory Challenge	A challenge to a juror without alleging any cause or reason; a limited number of peremptory challenges is allowed each side in any case.
Charge to the jury	The judge's instruction to the jury concerning the law which applies to the facts of the case.
Cite	<p>(1) To command the presence of a person; to notify a person of legal proceedings against him and require his appearance in the court, especially to face contempt proceedings.</p> <p>(2) To read or refer to legal authorities in an argument or submission to a court. For example, to cite a case is to refer to a particular case in an attempt to persuade the Court to be guided by the decision reached in that case.</p>
Civil Action	Every law suit other than a criminal action; an adversary proceeding for the enforcement or protection of a legal right or the redress or prevention of a wrong.
Clerk of Court	An officer appointed by a court of justice who has charge of the clerical work; keeps the records and seal, issues process, enters judgments and orders, and gives certified copies of documents from the record.
Complainant	The party who complains or sues; one who applies to the Court for legal redress, also called the plaintiff .
Conviction	A judgment of guilt against a criminal defendant.
Costs	An amount of money awarded to the successful party (and recoverable from the losing party) solely as reimbursement for certain of the expenses in prosecuting or defending the suit.
Cross-examination	After a witness has given evidence, the attorney for the opposing party examines or questions him about his testimony to verify or refute it.
Counter-claim	A claim which a defendant makes against a plaintiff.

Court of Appeal	An intermediate federal court, inferior to the U. S. Supreme Court but higher than the U. S. District Court. Its function is to review the final decisions of the district courts, if challenged. There is a Court of Appeals for the circuit in each of the judicial circuits.
Cross-claim	A claim by one party against a co-party (a defendant claiming against another defendant, or a plaintiff against another plaintiff) arising out of the original complaint.
Damages	A monetary compensation which may be recovered in the courts by a person who has suffered a loss or injury through the unlawful act or negligence of another.
Defendant	The person defending or denying; the party against whom relief or recovery is sought in a civil action or suit; the party who is accused in a criminal suit.
Deposition	An oral statement made by a person before an officer authorized by law to administer oaths. The attorney for the opposing party is notified to attend the deposition where he may cross-examine the deposed party. The deposition may sometimes be used later in the trial, or it may be taken only to obtain discovery.
Discovery	The disclosure by one party of facts, titles, or documents, to the opposing party who needs this information to properly prosecute or defend the case.
District Court	Court of the U. S., each having territorial jurisdiction over a judicial district which may include a whole state or only part of it. The district courts are the trial courts of the Federal Judiciary.
Diversity of citizenship	A phrase used with reference to federal jurisdiction, denoting a case in which the district courts have jurisdiction because all the person on one side of the case are citizens of states different from all the persons on the other side. The matter is controversy must also exceed a value of \$50,000.
Docket	A formal record, entered in brief, of the proceedings in a court.
Document	Generally refers to writings, pictures, maps, etc. Denotes official papers such as deeds, agreements, title papers, receipts and other written instruments used to prove a fact.
Entry of Judgment	Recording the judgment; putting into the docket book a statement of the final judgment and entering copies thereof in the record of the case and judgment book.
Evidence	Any kind of matter, presented at trial through witnesses, records, or documents for the purpose of persuading the court or jury of the correctness of the contentions of the parties.

Examination	An interrogation or search. The examination of a witness consists of a series of questions asked by a party to the action or his attorney, in order to bring before the court or jury the knowledge which the witness has of the facts or matters in dispute, or probing and sifting the evidence as previously given.
Execution of judgment	A writ (order) to the marshal or sheriff requiring him to carry out the judgment of the Court.
Federal Question	Refers to the jurisdiction given to the federal courts in cases involving the interpretation and application of Acts of Congress, the U. S. Constitution, and treaties.
File	To put into files or records of the court; to file a paper is to place it in the official custody of the clerk. The clerk is to endorse upon the paper the date it is received and retain it in the record of the case subject to public inspection.
Habeas corpus	A writ that is usually used to bring a prisoner before the Court to determine the legality of his imprisonment. It may also be used to bring a person in custody before the Court to give testimony, or to be prosecuted.
Hearing	A relatively formal proceeding similar to a trial, with one or more legal issues to be agreed upon or determined.
Impeach	To impeach a witness is to introduce evidence intended to contradict testimony or to question his credibility.
In Forma Pauperis	In the manner of a pauper. The permission given to a poor person to sue without payment of court fees.
In Rem	An action in rem is one taken directly against property and has for its object the disposition of property, without reference to who owns the property.
Indictment	The formal charging of the defendant with a particular crime by a grand jury.
Information	The formal accusation charging the defendant with a particular crime but brought by the U. S. Attorney, rather than by the grand jury.
Injunction	A temporary or permanent order of the Court prohibiting the performance of some specific act in order to prevent irreparable damage or injury.
Interrogatories	Written questions asked by one party and served on an opposing party who must answer them in writing under oath as a discovery device.
Intervention	A proceeding by which a third party is permitted to enter a lawsuit pending between other parties. He may join the plaintiff

in seeking what is asked in the complaint; or with the defendant in resisting the claims of the plaintiff; or may demand some relief adverse to both of them.

Issue	<p>(1) The disputed point or question in which the parties to a case have narrowed their disagreement; a single material point which is affirmed by one side and denied by the other. When the plaintiff and the defendant have arrived at some point which one affirms and the other denies, they are said to be "at issue." When the defendant has filed an answer denying all or part of the allegations or the complaint, the "issue has been joined" and the case is ready to be set for trial.</p> <p>(2) To send out officially (to issue an order).</p>
Judgment	The official and authentic decision of a Court adjudicating with finality the respective rights and claims of the parties to a suit.
Default judgment	A judgment rendered because of the defendant's failure to answer or appear.
Summary judgment	Judgment given on the basis of pleadings, affidavits, and exhibits presented for the record without any need for a trial. It is used when there is no dispute as to the facts of the case and one party is entitled to judgment as a matter of law.
Consent judgment	The provisions and terms of the judgment are agreed on by the parties and submitted to the Court for its sanction and approval.
Declaratory judgment	A judgment which declares the rights and legal relations of the parties of a case.
Jurisdiction	The power or legal authority of the Court to hear and decide a case.
Jury	A certain number of persons selected according to law and sworn to inquire into matters of fact and declare the truth about matters laid before them.
Petit jury	Person impaneled and sworn in a district court, who determine any questions or issue of fact in any civil or criminal action according to the law and the evidence introduced at the trial.
Grand jury	Made up of a larger group of persons who hear the government's evidence against a person who is suspected of a crime and determine whether there is sufficient evidence to bring that person to trial.
Litigant	A party to a lawsuit.
Litigation	A case, controversy, or lawsuit.

Local rules	A particular set of rules for each court governing matters not determined by the Federal Rules of Procedure.
Mandamus	Literally, "We command." It is a command of a higher court to a lower court or a public officer to perform a lawful duty.
Minutes	A record of what takes place in court.
Mistrial	An invalid trial the result of which cannot stand because of some fundamental error. When a mistrial is declared, the trial must start again from the selection of the jury.
Moot	A proceeding which seeks a judgment or ruling on a dispute which does not actually exist. For example, when one party brings a motion to compel the other to answer interrogatories and the other has already answered, the motion is moot.
Nolo contendere	No contest - has the same effect as a plea of guilty, as far as the criminal sentence is concerned, but may not be considered as an admission of guilt for any other purpose.
Notice	Information or a warning usually given in writing, informing a person of some fact which it is his legal right to know.
Notice of Appeal	Notice to the Court and to the other parties to the suit that a party intends to exercise his right to appeal. Filing the notice of appeal in the district court is the first step in making the appeal.
Opinion	A formal judicial statement of the legal reasoning upon which the judgment is based.
Parties	The persons or entities who prosecute or defend a lawsuit.
Plaintiff (or complainant)	The one who brings the suit, asking for the enforcement of a right or the recovery of relief from a wrong.
Plea	In a criminal proceeding it is the defendant's declaration in open court, that he is guilty or not guilty - the defendant's answer to the charges made against him in the indictment or information.
Pleading	The formal written statements presented by the parties in a civil case - forming the basis for the lawsuit and defining the issues.
Preliminary examination (or Preliminary hearing)	A hearing before a magistrate judge or judge to determine if there is probable cause to warrant holding a person accused of a crime. It is a procedure to prevent a possible abuse of prosecutorial power.
Pretrial conference	Conference among the opposing attorneys and the judge called at the discretion of the court to narrow the issues to be tried and to make a final effort to settle the case without a trial.

Probation	An alternative to imprisonment allowing a person found guilty of an offense to stay in the community, usually under conditions and under the supervision of a probation officer. A violation of probation can lead to its revocation and to imprisonment.
Procedure	The rules for the conduct of a lawsuit.
Proceeding	The judicial business before the Court or judicial officer; any step or act taken in a lawsuit from the beginning to the executing of the judgment.
Process	The summons or any other writ which may be used during the progress of the case.
Quash	To vacate or void a summons, subpoena, etc.
Record	All the documents and evidence plus transcripts of oral proceedings in a case.
Remand	To send back. To send a dispute back to the court where it was originally heard. Usually it is an appellate court that remands a case for proceedings in the trial court consistent with the appellate court's ruling.
Removal	The transfer of a state case to federal court for trial; in civil cases, because the parties are from different states; in criminal and some civil cases, because there is a significant possibility that there could not be a fair trial in state court.
Replevin	An action for the recovery of a possession that has been wrongfully taken.
Reply	The response by a party to charges raised in a pleading by the other party.
Request for admission	Also, Request to Admit. Written statements of facts concerning a case which are submitted to an adverse party and which that party must admit or deny; a discovery device.
Request for production	A direction or command served upon another party for production of specified documents for review with respect to a suit; a discovery device.
Request to admit	See, Request for Admission
Return	A report back to the Court, with a brief account of his actions under the writ or notice he has required to serve, explaining the time and manner of service or the reason why he was unable to serve it, if that was the case.
Reversal	The act of an appellate court annulling or voiding a judgment or a lower court because of an error.

Service	The delivery or a writ, notice, or injunction, by an authorized person to officially notify another party of a proceeding in which he is concerned.
Service of Process	The service of writs, summonses, or rules to the party to whom they ought to be delivered.
Stay	A court order halting a judicial proceeding.
Stipulation	An agreement between the parties involved in a suit regulating matters incidental to trial.
Subpoena	A command to a witness to appear and give testimony.
Subpoena Duces Tecum	A command to a witness to produce at a trial or hearing documents or papers in his possession that are pertinent to the issues of a pending case.
Summons	Instrument used to commence a civil action or special proceeding; the means of acquiring jurisdiction over a party.
Suppress	To put a stop to a thing actually existing; a motion to suppress evidence or a confession which does not deny the existence of the evidence or confession, but asks the Court not to allow the use of such evidence in the case.
Temporary Restraining Order	Prohibits a person from an action which is likely to cause irreparable harm. This differs from an injunction in that it may be granted immediately, without notice to the opposing party and without a hearing. It is intended to last until a hearing can be held.
Testimony	Oral evidence given by a witness under oath
Third party complaint	A petition filed by a defendant against a third party (not presently a party to the suit) which alleges that the third party is liable for all or part of the damages plaintiff may win from defendant.
Transcript	A written, word-for-word record of what was said. Usually refers to a record of a trial, hearing, or other proceeding which has been transcribed from a recording or from shorthand.
Venue	The geographical location in which a case is tried.
Verdict	The formal decision or finding made by the jury upon the matters or questions submitted to them at the trial.
Voir dire	The preliminary examination of a juror to determine his competency or impartiality to serve on a case.
With prejudice	A declaration which dismisses all rights. A judgment barring the right to bring or maintain an action on the same claim or cause.

Without prejudice	A declaration that no rights or privileges of the party concerned are waived or lost. In a dismissal these words maintain the right to bring a subsequent suit on the same claim.
Witness	One who personally sees or perceives a thing; one who testifies as to what he has seen, heard, or otherwise observed.
Writ	A formal written command, issued from the Court, requiring the performance of a specific act.